

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

December 22, 2020

In Reply Refer to:

EPA Complaint No. 02R-21-R9

b(6) Privacy

Re: Rejection of Administrative Complaint 02R-21-R9

Dear **b(6) Privacy**:

On November 30, 2020, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received your complaint involving the Bay Area Air Quality Management District (BAAQMD) and the San Francisco Department of Public Health (SFPDH). During ECRCO's jurisdictional review process, the administrative complaint against SFPDH was renumbered as EPA Complaint No. 02R-21-R9. Your complaint, filed by **b(6) Privacy**, alleges that SFPDH discriminated against the historically Black community of Hunters Point, on the basis of race in violation of Title VI of the Civil Rights Act of 1964, and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. ECRCO has determined that it is rejecting the complaint against SFPDH and will close this case as of the date of this letter. ECRCO's jurisdictional determination regarding the complaint filed against BAAQMD will be sent separately.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

ECRCO has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Specifically, SFPDH is not an applicant for, or recipient of, EPA financial assistance. As a

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result, ECRCO does not have jurisdiction to investigate the claims raised in the complaint. Accordingly, ECRCO is closing this case as of the date of this letter.

If you have questions about this letter, please feel free to contact Zahra Khan, Case Manager, at (202) 564-0460, by email at khan.zahra@epa.gov.

Sincerely,



Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
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